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CATEGORY: Antidumping

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-909

EFFECTIVE DATE: 01/23/2008

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: ANTIDUMPING SCOPE RULING ON CERTAIN STEEL NAILS FROM THE PEOPLE'S
REPUBLIC OF CHINA (A-570-909)

THE DATE THIS MESSAGE IS POSTED CONSTITUTES THE NOTICE OF LIFTING OF
SUSPENSION OF LIQUIDATION.

1. COMMERCE RECEIVED SIX SCOPE RULING REQUESTS FROM TARGET CORPORATION. COMMERCE ISSUED FINAL SCOPE RULINGS ON 08/11/2010, THAT TARGET CORPORATION'S SIX HOUSEHOLD TOOL KITS AS DESCRIBED IN DETAIL IN PARAGRAPH 2 BELOW, ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN STEEL NAILS FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-909).

2. COMMERCE DETERMINED THAT TARGET CORPORATION'S SIX HOUSEHOLD TOOL KITS CONTAINING BRASS COATED STEEL NAILS DIFFER FROM SUBJECT MERCHANDISE IN TERMS OF: (I) THE PHYSICAL CHARACTERISTICS OF THE SIX HOUSEHOLD TOOL KITS; (II) THE MANNER IN WHICH TARGET CORPORATION'S HOUSEHOLD TOOL KITS ARE ADVERTISED AND DISPLAYED; (III) THE EXPECTATIONS OF THE ULTIMATE PURCHASER; AND (IV) THE ULTIMATE USE. THEREFORE, TARGET CORPORATION'S SIX HOUSEHOLD TOOLKITS AS DESCRIBED IN DETAIL BELOW ARE NOT WITHIN THE SCOPE OF THE ANTIDUMPING DUTY ORDER COVERING CERTAIN STEEL NAILS FROM THE PEOPLE'S REPUBLIC OF CHINA.

DETAILED DESCRIPTION OF TARGET CORPORATION'S SIX HOUSEHOLD TOOL KITS:

A. THE DURABUILT 161 PIECE HOUSEHOLD TOOL KIT WITH 14.4 VOLT CORDLESS DRILL CONTAINS A TOTAL OF 161 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS PLATED CUP HOOKS, 10 BRASS PLATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT.

B. THE DURABUILT 161 PIECE HOUSEHOLD TOOL KIT WITH RECHARGEABLE 4.8 VOLT

SCREWDRIVER CONTAINS A TOTAL OF 161 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS COATED CUP HOOKS, 10 BRASS COATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT.

C. THE APOLLO PREVISION TOOLS 138 PIECE HOUSEHOLD TOOL KIT CONTAINS A TOTAL OF 138 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS COATED CUP HOOKS, 10 BRASS COATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT.

D. THE DURABUILT 59 PIECE HOME/OFFICE TOOL KIT WITH SOFT SIDED BAG CONTAINS A TOTAL OF 59 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS COATED CUP HOOKS, 10 BRASS COATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT. THIS PARTICULAR TOOL KIT ALSO CONTAINS A SEPARATE SMALL PLASTIC BOX WITH A TOTAL OF 150 VARIOUS SCREWS AND NUTS. THE DESCRIPTION OF THE SMALL PLASTIC BOX WITH SCREWS AND NUTS STATES THAT IT CONTAINS AN ASSORTMENT OF NAILS, SCREWS AND NUTS.

E. THE DURABUILT 144 PIECE HOUSEHOLD TOOL KIT CONTAINS A TOTAL OF 144 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS COATED CUP HOOKS, 10 BRASS COATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT.

F. THE DURABUILT 152 PIECE HOUSEHOLD TOOL KIT CONTAINS A TOTAL OF 152 PIECES, INCLUDING A SINGLE FASTENER SET CONTAINING 10 THUMB TACKS, 5 BRASS COATED CUP HOOKS, 10 BRASS COATED PICTURE HANGER, 55 BRASS COATED STEEL NAILS, 10 SCREWS, AND 10 PLASTIC WALL ANCHORS. THE ENTIRE FASTENER KIT IS COUNTED AS A SINGLE ITEM WITHIN THE TOOL KIT.

3. EFFECTIVE 01/23/2008, TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES ENTERED, OR WITHDRAWN FROM WAREHOUSE OF THE SIX HOUSEHOLD TOOL KITS AS DESCRIBED ABOVE IN PARAGRAPH 2.

4. REFUND ANY CASH DEPOSITS WITH INTEREST AND RELEASE ANY BONDS RELATING TO THE SIX HOUSEHOLD TOOL KITS AS DESCRIBED ABOVE IN PARAGRAPH 2.
5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF THE SIX HOUSEHOLD TOOL KITS AS DESCRIBED ABOVE IN PARAGRAPH 2 ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 01/23/2008.
6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.
7. FOR ALL OTHER SHIPMENTS OF CERTAIN STEEL NAILS FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.
8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O9:AV).
9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party